LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 28, 2003 PLANNING COMMISSION MEETING

P.A.S.: County Special Permit #201

PROPOSAL: To erect a 197' tall monopole for wireless facilities.

LOCATION: Northwest of the intersection Highway 77 and Branched Oak Road.

CONCLUSION: This application complies with the requirements of Article 10 of the

Lancaster County Zoning Regulations.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 32 I.T. located in the southeast quarter of Section 28, T12N,

R7E, of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG - Agriculture **EXISTING LAND USE:** Agriculture

SURROUNDING LAND USE AND ZONING:

North: Agriculture AG
South: Agriculture AG
East: Agriculture AG
West: Agriculture AG

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan designates agricultural land uses in this area.

Page F40 General Principles for all Commercial and Industrial Uses - Compatible with existing or planned residential uses.

Page F83 - Telecommunications - Residential and business services, including cellular phone networks, high speed internet access, and fiber optic networks will continue throughout the area.

Page F126 - Wireless Telecommunications (excerpts)- The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

ANALYSIS:

BACKGROUND:

Alltel Communciations is proposing to construct a 197' monopole for wireless facilities. The proposed tower is located approximately 1/4 mile west of Highway 77 on the north side of Branched Oak Road. The tower must accommodate two additional carriers, and no waivers are requested.

STANDARDS FOR EVALUATION:

Conformity with the Comprehensive Plan.

1. This request is located in an area surrounded by land designated for future agricultural land uses in the Comprehensive Plan. It allows for the development of the infrastructure to support emerging wireless technologies, and is consistent with the goal of ensuring the community is served by information technology.

Preference of site location in accordance with Chapter 27.68.080.

2. This application is considered a Sensitive Location Site under Lancaster County Zoning Regulations Section 10.008(c). In such case, that applicant is required to demonstrate what good faith measures were taken to locate in a preferred location by either locating on a public site or on industrially/commercially-zoned property, or by collocating on an existing tower. Also see item # 11 below.

Compatibility with abutting property and land uses.

3. This request is approximately 1/4 mile west of the Highway 77 on Branched Oak Road where all surrounding land use is agriculture. The use of agricultural land for wireless facilities can be appropriate provided such facilities do not conflict with the future land use shown in the Land Use Plan. This proposal is also consistent with strategies for wireless facilities that seek to preserve neighborhood character and encourage businesses that serve neighborhood residents, while minimizing intrusion as much as possible.

Adverse impacts such as visual, environmental or noise impacts.

4. The most significant impact associated with broadcast towers is visual, and is a result of the height required for antennas to work properly. There are two common strategies for minimizing this impact. First, ensure that there is a general consistency between

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the height of the tower and structures on surrounding properties. Second, locate the tower in areas where there is no development, but where future development is planned to be consistent with the type of tower allowed. In this case, future surrounding land use is shown to be agriculture which will help prevent future land use conflicts.

Availability of suitable existing structures for antenna mounting.

5. There are no existing structures in the area suitable for antenna mounting.

Scale of facility in relation to surrounding land uses.

6. There are not other facilities of similar scale in this area, but is mitigated by the separation distance between this use and surrounding development.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There is no negative impact on views, vistas, or historic structures/districts.

Color and finish.

8. The tower will have a galvanized finish consistent with LMC 27.68.100.

Ability to collocate.

9. The tower is designed to be collocatable and can accommodate up to at least two additional carriers as required by the Zoning Regulations. It should be noted that the letter submitted by the applicant describing the facility incorrectly discusses one additional carrier, however the site plan submitted shows two. Approval of this permit will be subject to the site plan which shows two carriers.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. The application attempts to minimize the visual impact at ground-level by screening the base of the tower and equipment cabinets with the planting of 32 Scotch Pine Trees. However, this particular tree has been removed from the City of Lincoln's Approved Plant List because it is susceptible to disease. It should be substituted with an

alternate approved tree as part of a landscape plan that complies with the City's design standard for screening wireless facilities (70% screen from the ground to 8' in height, with 50% of the plantings growing to a mature height of 35' or more).

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. The proposed site is a Sensitive Location Site. The applicant notes that there are not any public or industrially/commercially-zoned properties in the area, and that there are no existing towers in the area for collocation. The applicant notes there may be better sites in the area near existing trees to help screen the lower portions of the tower, but that those landowners were unwilling to enter into a lease. These findings were confirmed by a site visit by staff to the area.

CONDITIONS:

Site Specific:

- 1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 The dimension from the west property line to the future compound expansion area located at the west side of the tower. It cannot be less than the minimum required setback for the AG district (60').
 - 1.1.2 A signed surveyor's certificate.
 - 1.1.3 A landscape plan that includes an acceptable tree species as a substitute for Scotch Pine, planted in an amount equal to or exceeding a 70% screen from the ground to 8' in height, with 50% of the plantings growing to a mature height of 35' or more.
 - 1.1.4 A landscape plan that shows a landscape schedule (including plant type, species, scientific name, height and spread) and the planting method.
- 2. This approval permits a broadcast tower up to 197' in height capable of accommodating at least two additional carriers

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

Standard:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before use of the structure all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP Planner May 19, 2003

APPLICANT: Alltel Communications

1440 M Street Lincoln, NE 68508

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OWNER: Leonard and Ledonna Kadavy

17501 North 56th Street Lincoln, NE 68514 (402) 785-7665

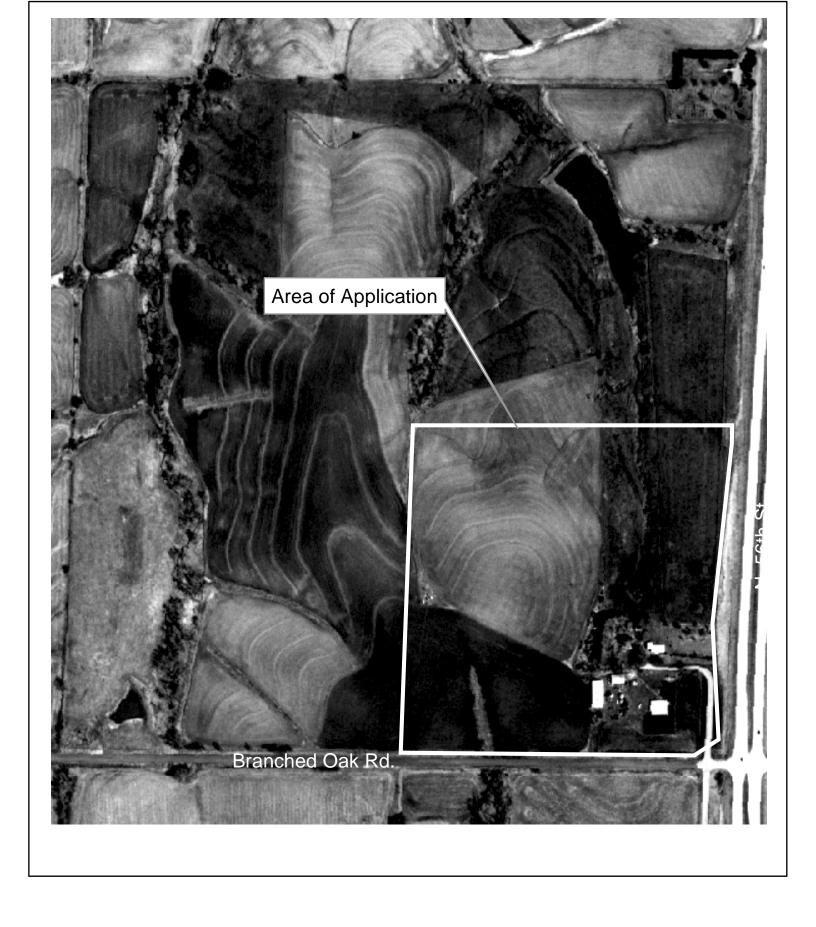
CONTACT: Mike Healey

The Everest Group

268 North 115 Street, Suite 4

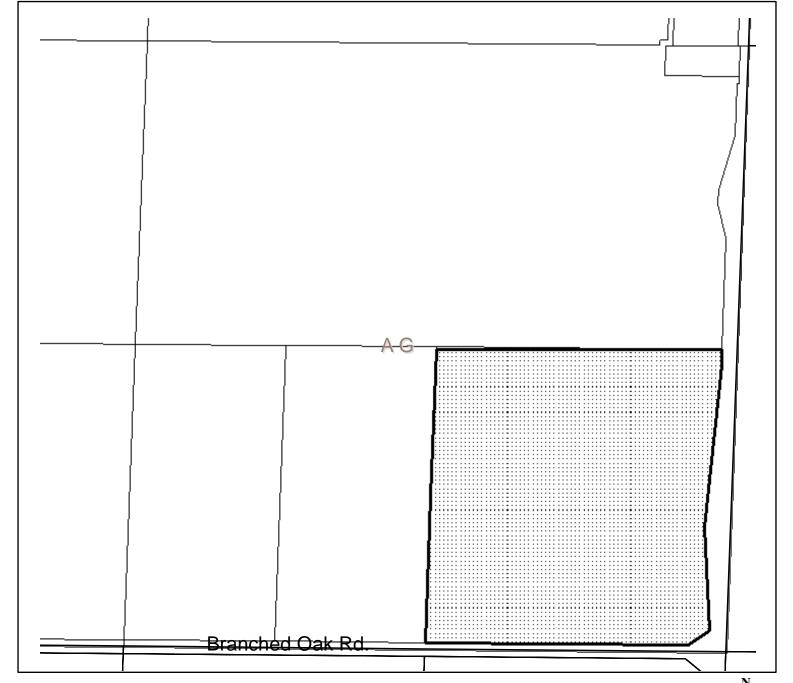
Omaha, NE 68154 (402) 578-3340

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County Special Permit #201 Hwy #77 & Branched Oak Rd. Alltel Wireless





County Special Permit #201 Hwy #77 & Branched Oak Rd. **Alltel Wireless**

Zoning:

One Square Mile Sec. 29 T12N R7E R-1 to R-8Residential District

Agricultural District AG Agricultural Residential District AGR Residential Convervation District R-C

0-1 Office District 0-2 Suburban Office District

O-3 Office Park District Residential Transition District R-T

B-1 Local Business District

B-2 Planned Neighborhood Business District

B-3 Commercial District

Lincoln Center Business District B-4 Planned Regional Business District B-5 H-1 Interstate Commercial District

H-2 Highway Business District H-3 **Highway Commercial District**

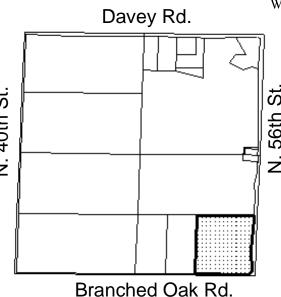
H-4 General Commercial District 1-1 Industrial District

Industrial Park District

Employment Center District I-3 Public Use District



City Limit Jurisdiction



Application Requirements

The following is a response by Alltel to the issues and requirements set forth in Title 27 of the Lincoln Municipal Code as amended by section 27.68.090 in reference to a proposed personal wireless service facility consisting of an 80 foot monopole antenna support structure, and accompanying radio equipment near the intersection of Highway 77 and Davey Road Lancaster County, Nebraska. This information addresses the requirements contained in this section, and references applicable portions of the Design Standards and General Requirements sections.

27.68.090 Application Requirements.

(a) Pre-Application Conference and Fees

A pre-application conference for the purpose of discussing application requirements, site specifics, plans for current and future facilities, and establishing the application fee was held on January 6, 2003 with Brian Will of the Lincoln/Lancaster Planning Department, and Alltel as represented by the Applicant. A fee of \$1000 is included with this application.

(b)(1) Plot Plan

A plot plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information so as to allow for a complete review of the proposal and indicating in detail compliance with design standards is attached to this application. Of note on the plans are the following:

- A metes and bounds description of special permit area, including tower, base equipment, security barrier, and landscaping, referring to the legal description of the property including lot, block, subdivision, section, township, range. (Survey p. 2)
- A Site Plan showing the following:
 - Tower, antenna, antenna support structure, building fencing, buffering, access, etc. (A-1, A-2, A-3, A-4, A-5)
 - Drawn to an engineer's scale so as to be legible
 - Lot lines (Survey p. 2)
 - Lease area lines (A-2)
 - Dimensions of lease area (A-2)
 - Distances from lease area to property lines (Survey p. 2)
 - Specific location and dimensions of all proposed structures and equipment (A-2)
 - Distance from all proposed structures and equipment within the lease area to the boundary of the lease area (A-2)
 - Distance from all proposed structures and equipment within the lease area to the property lines ()
 - Location of all existing structures on the property ()
 - Distance from the lease area to the existing structures ()
 - Proposed security barrier, including type, extent and point of controlled entry (A-2)
 - Type and mounting of antennae (A-2)
 - Notation that antenna and support structure will be designed to withstand wind force of 100mph ()

- Indication that antenna and support structure are safe, and will meet EIA standards (
- Location of all roads (A-1)
- Location and dimensions of access to proposed facility (A-1)
- Location of existing trees and shrubs (N/A)
- Location of other significant existing site features (N/A)
- Proposed changes to the existing property including grading, vegetation removal, roads or driveways (A-2)
- Zoning of site ()
- Land uses of adjacent properties ()
- Ground space for one future carrier's equipment (A-2)
- Space on support structure for future carrier's antennas (Z-3, Z-4)
- Elevations:
 - Dimensioned and to scale in NAVD 88
 - From north, south, east, and west ()
 - Showing antennas, mounts, equipment enclosures, security barrier, platforms, cable runs, other construction or development with elevation dimensions to the highest point.
 - Flood plain information. ()

Also attached to the application are photo simulations from a design professional depicting the site as it will appear after construction from several vantage points, including the nearest residential areas and heavily trafficked intersections, and pertinent portions of equipment brochures showing equipment that to the best of Alltel's knowledge will be used at the site.

(b)(2) Statement Identifying Location Preference

The proposed facility could be considered a Sensitive Location Site as defined by Section 27.68.080: Location Preferences. The proposed site will be located on property that is zoned Agriculturally (AG). Since the proposed location is not a preferred location site, the following issues are addressed:

(i) Whether any preferred location sites are located within the service area of the proposed personal wireless service facility;

There are no preferred location sites within the service area of this proposed facility.

(ii) What good faith efforts and measures were taken to investigate each of these preferred location sites and why such efforts were unsuccessful;

Alltel has pursued several alternative pieces of property which, while zoned similarly to the proposed site would perhaps have offered preferable screening from pre-existing trees, but in both other cases, the land owner was unwilling to host a site. There are no sizeable buildings in the area or existing towers on which antennas could be located.

Alltel has made a concerted effort in arriving at its final location to place the site as deeply into the parent parcel while still maintaining the topographical advantage the parcel presents in terms of tower performance. (iii) Why the use of a preferred location site is not technologically, legally, or economically feasible;

Again, any preferred location site would be outside the geographical area required for proper radio frequency coverage.

(iv) How and why the proposed site is required to meet service demands for the proposed facility and citywide network;

The proposed site is necessary to meet the rapidly growing demand for wireless service in Lancaster County. Other Alltel sites in this area are nearing their capacity, and simply cannot handle all of the caller traffic as demand grows. This site will help relieve other existing sites of excessive traffic, and to cover an otherwise marginally or poorly covered geographic area. The attached coverage plots indicate the improvement in coverage this site will provide. These are accompanied by a letter from an Alltel Radio Frequency Engineer better explaining Alltel's need for a facility in this area.

(v) The distance between the proposed facility and the nearest residential unit and residentially zoned properties.

The proposed facility is approximately 400 feet from the nearest residential use, the home of the landowner. This home is located on the same AG zoned parcel.

(b)(3) Description of the Security Barrier

The proposed tower base and accessory equipment will be completely enclosed by a seven foot high chain-link fence that will be surrounded at the top with barbed wire. There will be no illumination. Access will be through a locked gate. This is in conformance with Section 27.68.110 (b).

(b)(4) Minimization of Potentially Adverse Effects on Adjacent Properties

This site has been designed to minimize potentially adverse visual effects on adjacent properties.

Location—The facility is located in an agricultural area with agricultural uses. The parent parcel is zoned AG, as are surrounding properties to the north, south, east and west. All of these properties have uses commensurate with their zoning, and buffer the site from any moderate or heavy residential use areas. The proposed facility is in keeping with the character of the surrounding uses, and is located well within this commercial area.

Alltel believes it has chosen the best possible location in the area for the site. With no existing structures available, the proposed location was chosen because it is some distance from Highway 77 while still being able to service the road, it is also well away from any residential uses beyond those of the willing landlords.

 Screening—As per Section 27.68.110(a)(2), the compound will be enclosed by a chain-link fence which is in turn surrounded by landscape plantings.

Buffering—The compound will be buffered from view based primarily on its lack of proximity to anything other than farm fields. The outbuildings of the parent parcel combined with the lay of the land will do a great deal to obscure the tower from the view of traffic on Highway 77 as well. Additionally, upon maturation, the landscape

- plantings required by Section 27.68.110(a)(2) will help partially hide the facility as well.
- Blending—There are no similar structures nearby and therefore this tower may not blend as well as some other, however, every effort has been made to lessen the visual impact of the structure by designing it to be as low as possible to the ground as well as removing it some distance from the Highway.
- Height—The 190 foot height is the lowest possible in order to effectively cover the area from a radio frequency standpoint. A "drive test" was performed by ALLTEL radio frequency engineers to confirm this. In this test, an antenna is hoisted by a crane to various heights and data is taken so as to determine the lowest possible height at which the site will be effective.
- Lighting—No artificial lighting will be necessary at this site, save for a flood light located above the equipment platform to be used during nighttime emergency maintenance.
- Pole Finish—The monopole will have a galvanized finish as required by Section 27.68.110(c).
- Antenna Design—The antenna array is a "T-boom" array. This design is more
 aesthetically pleasing than traditional monopole antenna arrays, and thus will
 mitigate visual impact to the area.
- Parking—There will be room for two cars to park on the access area of the site location.
- Landscaping—The proposed facility will include landscape plantings surrounding the equipment compound as required by Section 27.68.110(a)(2).
- Scale—The proposed 40 foot by 40 foot compound, and 190 foot monopole are in scale to the agricultural uses of the surrounding area.
- Views—The proposed facility will have no negative impact on views or vistas, including the view of the Capitol.
- Landmark Structures—The proposed facility will have no negative impact on landmark structures, historically or architecturally significant structures, or on any other views, vistas, or scenery.
- Natural Resources—The proposed facility will have no negative impact on natural resources, open spaces or recreational resources.
- Co-location—This facility will be constructed to meet the requirements of Section 27.68.110(d). As the site plans indicate, the monopole will be structurally capable of accommodating one future carrier, and there is sufficient room at the base of the tower for an additional equipment compound. The attached Co-location Statement, indicates the land owner's willingness to reserve space and to consider the offers of other carriers.
- Existing Structures—As per Section 27.68.120(d), there are no existing structures within ½ mile suitable for antenna mounting.
- Setbacks— The land owners and Alltel have determined that the ideal location for the site will be located straddling two parcels owned by the land owners. As the land owners have no intention of parting with either parcel or making use of the property in any way to which might interfere with the site, Alltel requests a waiver of the setback requirement of Section 27.68.110 (a)(6).
- Fall Zone—With the exception of one lot line, as mentioned in ""Setbacks" above, the site conforms with Section 27.68.110(g). Alltel has designed this tower to exceed the standard fall zone of one half tower height. In this case the tower will be placed at nearly a 1:1 fall ratio.
- Antenna and Support Structure Safety—As per Section 27.68.110(e)(1) the
 antenna and support structure will be designed to be safe, and the surrounding areas
 will not be negatively affected by support structure failure, falling ice, or other

debris. Alltel will meet or exceed all EIA/TIA standards and requirements of the City of Lincoln, and will provide to the Planning and Building and Safety Departments design specifications for the specific tower to be used before a building permit is issued if necessary.

• Wind Force—As per Section 27.68.110(e)(9), the antennas and support structure will be designed to withstand a wind force of 100 miles per hour. Alltel will meet or exceed all requirements of the City of Lincoln, and will provide to the Planning and Building and Safety Departments design specifications for the specific tower to be used before a building permit is issued if necessary.

Standards—As per Section 27.68.120(a and b), the tower shall be constructed and
maintained to meet or exceed EIA standards and can be provided as a part of tower
design specifications prior to the issuance of a building permit. Improvements or
additions will also comply with these requirements.

 Surety—As per Section 27.68.120(e)(1), a surety in the amount of \$35,000 to guarantee the future removal of this facility is attached.

 Indemnity—As per Section 27.68.120(e)(2), Alltel will agree to the indemnification language in this provision by signing the letter of acceptance of the Special Permit.

(b)(5) Maintenance and Monitoring

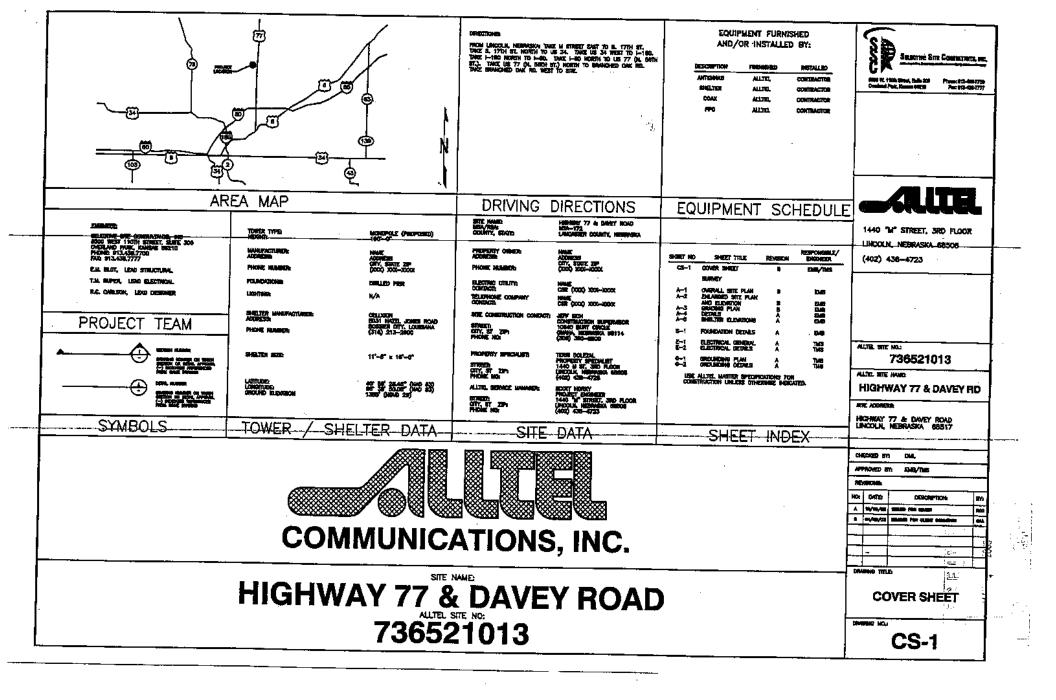
A description of standard operating procedure for maintenance and monitoring is attached to this application with applicable portions highlighted.

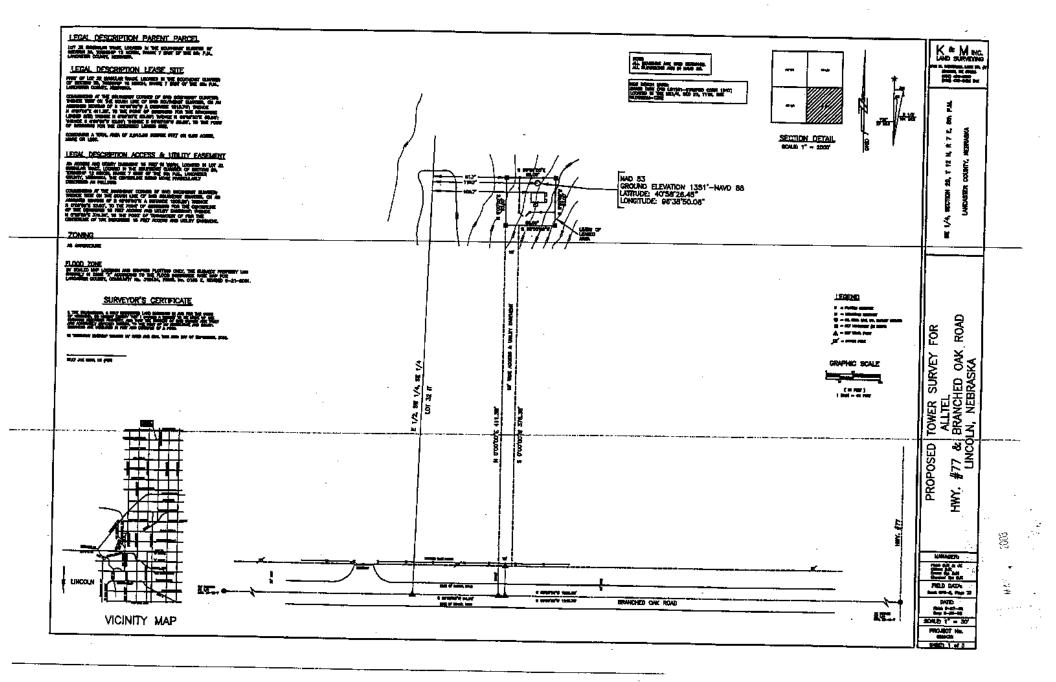
(b)(6) Environmental Documents

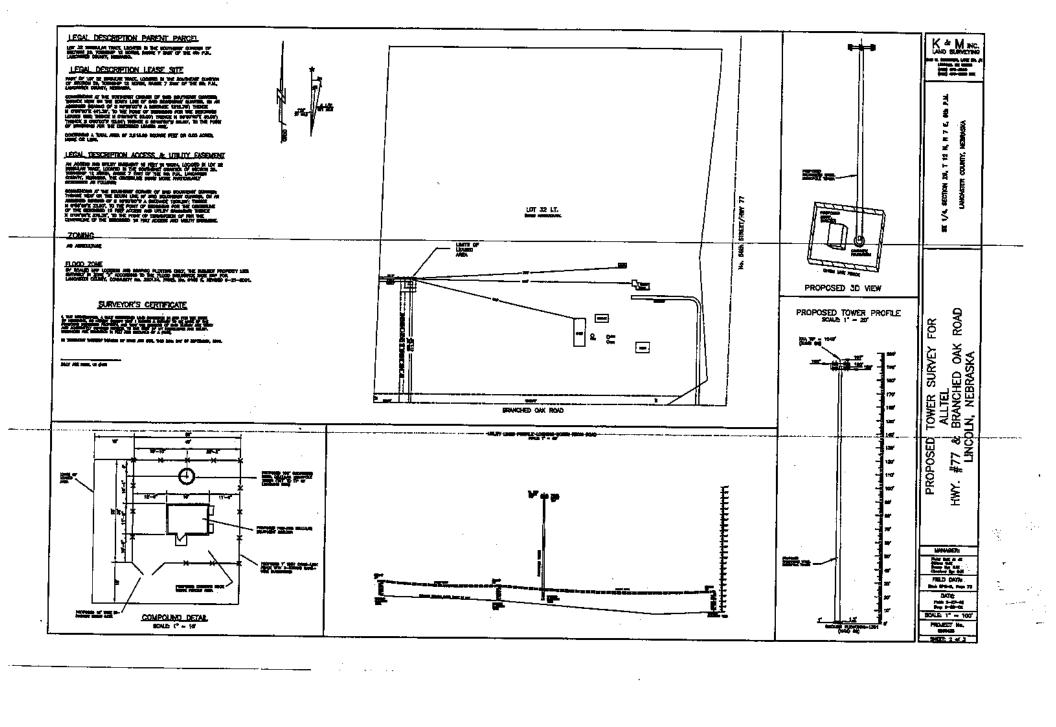
Environmental documents required by federal agencies for this site are attached.

27.68.100 Standards for Evaluation

The majority of factors for consideration dictated by this section have already been covered above, however, due to the fact that this site is location is considered a sensitive location, Section 27.68.100(c) requires a specific statement evidencing what good faith efforts and measures have been taken to secure a preferred location site or limited preference site within one-half mile of the proposed facility. In this instance, there simply are no preferred or limited preference locations in or near the vicinity of the search ring generated by Alltel's Radio Engineers. Had there been any candidates in such preferred or limited preference locations available, Alltel would have pursued them with all appropriate diligence. There were however, none. For that reason, Alltel feels that the proposed location is the most desirable for this tower.







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